

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
May 13, 2003
DRAFT: NOT APPROVED BY BCC
ANTICIPATED DATE OF APPROVAL: MAY 27, 2003

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thael, Winchester, Proctor, Rackleff and Maloy. Also present were County Attorney Herb Thiele, Assistant County Administrator Vince Long, Deputy Clerk Bill Bogan, Jr., and Secretary Mary E. Headley. The meeting was called to order at 5:00 p.m.

Invocation was provided by Commissioner Rudy Maloy followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- The Chairman, on behalf of the Board presented the attached Proclamation Designating May 18 – 24, 2003 as "Emergency Services Week" to Richard Smith, Emergency Management; Deputy Chief Dan Spillman, Tallahassee Fire Department; Chief Jason Causseaux, Woodville Volunteer Fire Department (VFD); Dennis Horton, Miccosukee VFD; Jack Plaster, Chaires VFD; Lt. Eddie Fulton, Lake Jackson VFD; and Karl Hook, Lake Iamonia VFD.
- The Chairman, on behalf of the Board, presented the attached Proclamation Designating May 18 – 24, 2003 "National Dog Bite Prevention Week" to Richard Ziegler, Leon County Animal Control Director; Debbie Powell -Smith, U.S. Postal Service; Alex Mahon, Leon County Health Department; and Dot Pention, Leon County Animal Control Officer.
- The Chairman, on behalf of the Board, presented the attached resolution for National Public Works Week, May 18 – 24, 2003, to Tony Park, Public Works Director.

Consent

Commissioner Sauls moved, duly seconded by Commissioner Thael and carried 7-0 to approve the following Consent Agenda with the exception of Item #3, which was addressed as described:

1. Approval of Minutes

The Board approved the Minutes of April 15, 2003 Regular Meeting; April 22, 2003 Regular Meeting; April 29, 2003 Regular Meeting.

2. Approval of Payment of Bills and Vouchers Submitted for May 13, 2003

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for May 13, 2003: \$25,979,585.73.

3. Authorization to Apply for Tax Deed Acquisition for a Parcel of Land for Stormwater System Operations

This agenda item requests Board authorization to pursue tax deed acquisition of a parcel of land (parcel #412910C0010) that can be used for stormwater system operations.

George E. Lewis, II, 203 N. Gadsden Street appeared and stated that this agenda item has to do with operation of tax certificates on properties in Leon County. He stated that pursuant to Florida Statutes Sec. 197.503, the Board shall make application for tax deeds for properties assessed at \$5,000 or more. He pointed out that the County should be doing this at the end of the two-year timeframe, noting that if the certificate expires, the property stays on the tax rolls but taxes are not collected on it.

County Attorney Thiele stated that the County is required to apply for tax deeds and there is a program for doing that. He explained that this agenda item is a request from Public Works, who has asked that if a tax deed was issued on the subject property and there was no bidder, that they be authorized to utilize the property for stormwater purposes. He stated that under Chapter 197, the County is required to apply for tax deeds; the County may be doing so at the expiration date and Mr. Lewis is suggesting that it should be done at the two-year mark when the County is eligible to do so. The County Attorney will investigate the issue and advise the Board.

Commissioner Rackleff moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 1: Authorize staff to pursue application for tax deed acquisition of parcel of land (Parcel No. 412910C0010), which Leon County holds for stormwater system operations. The County Attorney will bring back the information as requested.

4. Approval of Contract for Child Support Enforcement Hearing Officer Between the Department of Revenue and Leon County

The Board approved Option 1: Approve contract for Child Support Enforcement Hearing Officer (Contract #QJ309), the attached Budget Resolution and associated budget amendment request:

5. Approval to Upgrade an Administrative Associate II Position to an Administrative Associate Position

The Board approved Option 1: Approve the upgrade of the Administrative Associate II position (fifth floor receptionist position) to a Citizens Services Liaison.

6. Acceptance of the *Friends of the Library* Donation

The Board approved Option 1: Accept the \$100,000 donation from the *Friends of the Library* and adopt the attached budget resolution and amendments: (The monies are intended for the enhancement of library services and programs and establishment of the related accounts in the County's financial system is needed.)

7. Request to Schedule a Cultural Arts Planning Advisory Council Workshop on Tuesday, May 27, 2003 at 1:30 – 2:30 p.m.

The Board approved Option 1: Schedule a Cultural Arts Planning Workshop on Tuesday, May 27, 2003 from 1:30 – 2:30 p.m. for a presentation of the final report of the Cultural Arts Planning Council.

8. Approval of Two Contracts Pursuant to "The Greg Burris Memorial Program for Expanded Driver's Education"

The Board approved Options 1, 2, and 3:

- 1) Approve the contract between the Board and the Leon County School Board in accordance with Ordinance #2002-20, from May 1, 2003 through September 30, 2003, in the amount of \$48,000 for the purpose of purchasing up to five vehicles for use on driving ranges at five area high schools and for related improvements to the existing Leon County Public Schools Driver's Education Program, and authorize the Chairman to execute this contract;
- 2) Approve the contract between the Board and the Partners for Highway Safety in accordance with Ordinance #2003-20, from May 1, 2003 through September 30, 2003, in the amount of \$24,000 for the purpose of offering \$100 discounts to up to 240 qualified Leon County residents that participate in existing PHS driver's education and safety programs, and authorize the Chairman to sign the contract;
- 3) Approve the attached budget resolution and attached budget amendment form to realize the determined budget amount of \$72,000 in the FY 02/03 budget.

9. Acceptance of the 2003 Equal Employment Opportunity/Affirmative Action Annual Report

The Board approved Option 1: Accept the Equal Employment Opportunity/Affirmative Action Report and identified goals. (The report analyzes and compares the Leon County Board of County Commissioners' (Board) workforce demographics of women and minorities to those of the local labor market.) See attachment:

10. Approval of Request for Proposals for Property Management Services for the Bank of America Building

The Board approved Option 1: Approve the property management services Request For Proposal (RFP) and direct staff to advertise and prepare a contract for the Board's consideration.

After the Board voted on Consent items, Chairman Grippa raised a question on this item. The Board voted to approve the RFP; if the building were to be sold, the closing would be prior to the acceptance of the RFP for building management, therefore, who would manage the building? County Administrator Alam and Kim Dressel, Director of Management Services, advised that the County would be managing the building for a short period of time. (Note comments made by Mr. Terri Ryan under "Citizens to Be Heard" regarding the BOA Building.)

The Board entered discussion of Item 17.

11. Authorize to Apply for Florida Communities Trust Grants to Acquire the Timberlane Ravines and Dr. Miley Miers Property

The Board approved Option 1: Authorize staff to apply for grant funds from the Florida Communities Trust to acquire Timberlane Ravines and the Dr. Miley Miers properties. (The Board has discussed the opportunities to locate the Lexington Pond stormwater treatment facility on several occasions. The pond, identified as a Blueprint 2000 project, would provide flood attenuation and water quality improvement on the Fords Arm South tributary of Lake Jackson. In response to an application to amend the future land use map in the 2003-1 Cycle of Comp Plan, the Board directed staff to initiate acquisition of the environmentally sensitive areas of Dr. Miers' property on Mahan Drive.)

12. Request to Support of the Big Bend Scenic Byway – Florida Scenic Highways Program

The purpose of the Florida Scenic Highways Program is to designate eligible roadway corridors as "scenic" which promotes the preservation, maintenance, protection, and enhancement of Florida's resources. The Big Bend Scenic Byway is the representative project in Leon County for the Florida Scenic Highways Program. The Board approved Option 1: Support the Big Bend Scenic Byway project and direct staff to pursue future opportunities for assistance along the designated corridors. See attached agenda request:

13. Authorization of \$4,400 from the General Contingency Fund for Demolition Services in Accordance with Public Nuisance Abatement Ordinance 96-07

The Board approved Option 1: Authorize \$4,400 from the General Contingency Fund for demolition services to demolish two (2) dilapidated structures in accordance with Public Nuisance and Abatement Ordinance 96-07. See attached budget amendment request:

14. Approval to Award a Continuous Supply Contract to Mihir Environics, Inc., to Provide Lead-Based Paint Testing Services

The Board approved Option 1: Approve the award of the continuous contract for lead-based paint testing to MIHIR Environics, Inc. (Leon County currently has a Community Development Block Grant to rehabilitate 42 substandard housing units for low-income families for the program. Housing units approved for rehabilitation services, constructed prior to 1978, have to undergo a lead-based paint test clearance prior to any rehabilitation efforts.)

15. Acceptance of a Two-Year Sidewalk Performance Agreement and Surety and a Two-Year Maintenance Agreement and Surety for Deerfield Plantation Subdivision

The developer, Pepper Ghazvini, President of Killearn Commons III, requests a sidewalk agreement and surety device for Deerfield Plantation. The Board approved Options 1 and 2: 1) Accept the Sidewalk Performance Agreement and Surety in the amount of \$88,961.40; 2) Accept the maintenance agreement and surety in the amount of \$36,639.

16. Request to Schedule a Public Hearing Regarding Adoption of a Non-ad Valorem Assessment Roll for the Gateshead Circle 2/ - 2/3 Project

The Board approved Option 1: Schedule the public hearing for June 10, 2003 to consider a resolution adopting a non-ad valorem assessment roll for the Gateshead Circle 2/3 – 2/3 project.

General Business

17. Approval of the Administrative Law Judge Services Contract Between Leon County and the Division of Administrative Hearings (DOAH)

In accordance with Leon County Ordinance No. 90-31, the County is required to provide administrative procedures and standards by which a property owner may demonstrate that private property rights have vested against the provisions of the 2010 Comprehensive Plan. The Land Development Code provides that Leon County may contract with DOAH for hearing officers to hear appeals of applicants for site and development plan reviews.

Commissioner Thael moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to approve Option 1: Approve the contract and submit to DOAH for signatures.

18. Approval of the Lake Lafayette Watershed Study Contract Extension to October 31, 2004 with Environmental Research and Design, Inc.

The contract period for performing the Lake Lafayette Watershed Study expired on April 30, 2003. To continue work on the study, the contract period needs to be extended.

Discussion ensued about the delays and lateness of the study. Mr. Harvey Harper, Environmental Research and Design, Inc. appeared before the Board and stated that the firm is dedicated to the project and he plans to complete the remaining tasks (Phase II of the Watershed Study) on schedule.

Commissioner Rackleff moved and was duly seconded by Commissioner Thael to approve Option 1: Extend the contract with Environmental Research and Design, Inc., to October 31, 2004 in accordance with the contract. Chairman Grippa asked if Commissioner Rackleff would incorporate into the motion and he concurred, that if staff has any issues regarding the timeliness with the study, they should bring it back to the Board to have a timeliness clause inserted in the contract. The Board's sentiment was to have the study finished ahead of time, if possible. The motion carried unanimously, 7/0.

19. Consideration of the Proposed Inclusionary Housing Ordinance

The proposed Inclusionary Housing Ordinance is intended to implement the inclusionary housing strategy set out in the Comprehensive Plan through regulation, provision of developer incentives, and establishment of administrative roles and duties. "Inclusionary housing" as envisioned by the Plan generally comprises affordable housing that is built in areas that have a median income higher than that of the County overall. Hence, inclusionary housing is a type of affordable housing, but not all affordable housing is inclusionary housing.

The following citizens appeared:

Ted Thomas, 1469 Vieux Carre, appeared and stated that it was a good ordinance and should be adopted, but suggested one change. He referred to the ordinance language, which states that "The sale of inclusionary residential units shall be limited for a period of ten years from the date of closing of initial sale to retain the unit's affordability." He cited the Capital Gains Law and suggested that the time period somewhere between two to five years would be more reasonable and suggested that the Board make this change.

Jaimie Ross, Affordable Housing Director, One-Thousand Friends of Florida, 926 E. Park Avenue, stated that she felt the ordinance should be adopted. She recommended that the ten-year period remain in the ordinance, pointing out that when looking at inclusionary housing ordinances around the country, the ten-year term of affordability was the lowest control period listed. She stated that research shows that the control period is usually from ten years to permanent.

Ed Dion of Dion Builders, Inc., 1105 Lothian Drive, appeared and stated that he served on the Affordable Housing Committee and cited issues that California had with inclusionary housing and urged the Board to not adopt the ordinance:

- Inclusionary housing was counterproductive to their very mission
- It has a chilling effect on housing construction, ultimately undermining the provision of units that they are intended to foster, and lead to higher market costs
- The proposed ordinance would drive a stake between the people that actually provide the housing and the people that need housing, i.e., in

essence, the County is asking 95 people (homes) to subsidize five people's homes

- Taxes and insurance for the affordable homes in the high-end neighborhoods could run very high

George E. Lewis, II, 203 North Gasdsen Street, #6, voiced the following concerns remarks regarding the proposed inclusionary housing:

- The Comprehensive Plan provisions do not call for the equity sharing that is described in the draft ordinance
- People would get around the equity-sharing requirements such as transactions with income tax consequences that are undesirable – if a person held the home for two years and did not have any tax on the gain, there are no income tax consequences
- Quite often there is a buy down of the buyers' mortgage. A simple mechanism to get around the gains provision is a buy down of the sellers mortgage and there will be no gain on the transaction
- Could result in denial of equal protection as it relates to improvements to the home – the owner can add improvements to their cost basis before figuring the amount of profit that they have to share with the County. Is this justified?
- Mr. Lewis stated that if the Board plans to go forward with the ordinance, it should have concise timing conditions listed, i.e., when does the price change - when there is an annual adjustment? Statistics are not immediately available; would it be factored in for the County's fiscal year?
- The language from the Comp Plan states that there is a common interest in two or more developments; what is a common interest – does it mean a common "ownership" interest? He suggested inserting the word "ownership." He also remarked that developments would undergo improvements within the same five-year period.

The Chairman advised that this item would be continued until after the Joint City/County joint public hearing is conducted on Comp Plan 2003-1 amendments, Item 21.

After the Joint Public Hearing, the Board took action on this item.

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 5/0 (Commissioners Grippa and Proctor were out of the Chambers), to approve Option 1: Schedule two public hearings for the purpose of considering the adoption of the proposed Inclusionary Housing Ordinance; and direct staff to prepare and file an application to amend the Tallahassee-Leon County Comprehensive Plan to revise the definition of "Affordable Housing" so that the maximum sales price level established in the proposed Ordinance is consistent with the Comprehensive Plan and delete references to providing the option of a fee in-lieu to small and medium sized developments.

20. Acceptance of Report on Staff's Determination of a Pro Rata Share for a Proposed Cloudland Drive 2/3-2/3 Paving Project Regarding Stormwater and Paving Issues and Develop a Capital Improvement Project to Provide for Design and Construction of a Stormwater Project

This agenda item requests Board acceptance of staff's report on the determination of a pro rata share for a proposed Cloudland Drive 2/3-2/3 Paving Project regarding stormwater and paving issues as requested by the Board. The pro rata share costs include (1) a potential 2/3-2/3 road paving project funded by the Cloudland Drive property owners in the amount of \$153,200 and (2) a County-funded Capital Improvement Project (CIP) provided for the design and construction of a stormwater project in the amount of \$288,000. The total estimated project cost is \$441,200. This agenda requests Board approval of the CIP.

Rob Cliff, 3039 Lakeshore Drive, presented a map of the subject area on the overhead screen, explained that his property is located near the intersection of Arlington and South Shore on Lakeshore Drive and the situation surrounding the flooding problems on his property. Mr. Cliff constructed a cottage on his property for his mother to live in and then realized the problem with water coming down from Sharer Road towards Lake Jackson, which runs across Lakeshore and through his property. He stated that there have been at least six occurrences since July 2001 and he has attempted various remedies to no avail. The water comes down from Ortega Drive and crosses Cloudland Drive where there is no suitable drainage system to intercept the water. Mr. Cliff stated that at least 20 neighbors on Lakeshore and Cloudland Drive are having flooding problems. He alleged that when the County purchased Ortega through the 2/3 - 2/3 project, adequate flooding controls were not made. He asked the Board to support Commissioner Winchester's efforts on this project since he has met with residents and have reached an agreement to enter into the 2/3rd - 2/3rds program for the road paving portion, and that the Board also approve the drainage project that is necessary to address the flooding problems on Cloudland Drive which effect Lakeshore Drive and Arlington Drive.

Commissioner Winchester moved and was duly seconded by Commissioner Maloy to approve Options 1 and 2:

- 1) Accept the report on the determination of a pro rata share for a proposed Cloudland Drive 2/3-2/3 Paving Project, which includes road paving in the amount of \$153,200 to be funded by the Cloudland Drive property owners and County-funded stormwater project in the amount of \$288,000 for a total estimated project cost of \$441,200;
- 2) Direct staff to develop a Capital Improvement Project during the 03-04 budget cycle to provide for design and construction of the stormwater project identified herein.

Commissioner Winchester explained that last year the Board directed staff to develop a stormwater drainage project and to talk with the neighborhoods about the 2/3 - 2/3 project. Essentially, it would mean a pro rate share in the County because Ortega Drive drainage problems were causing problems on Cloudland Drive. He indicated that this would relieve the County from potential liability from Ortega Drive.

The Board engaged in discussion as to where the money would come from. County Administrator Alam explained that the project started as 2/3 - 2/3 project which was staff's recommendation in March 2002. The Board recommended, at the time, that staff go back and look at a proportionate share of the County

putting in monies to fund the stormwater project, with the neighborhood and residents paying for the road improvements. Based on that, staff has worked and brought the report back on the pro rata share. The cost of the stormwater improvements would be \$288,000 and would be budgeted in the CIP program and the paving cost would be \$153,000 to be paid by the property owners. Mr. Alan Rosenzweig, Director of the Office of Management and Budget, remarked that this is a new request that was not contemplated and it would have to go through the upcoming budget cycle to be funded accordingly.

Commissioner Sauls wanted to know if the rationale for the County to pay a portion of this was because Ortega Road is a County road and the majority of the water that is causing the damage comes off of Ortega Road. Mr. Brown responded in the affirmative and stated that it seems to be a roadway related drainage issue and that is why staff is looking at the 308 transportation funding for it, noting that this is similar to the Rainbow acres (Balboa) Drive project.

Commissioner Rackleff wanted to know how many people would benefit from the \$288,000 County money to be used for stormwater improvements. Mr. Brown explained that there are 17 owners on Cloudland Drive and approximately 5-6 homes downstream from Cloudland who would be impacted.

Commissioner Rackleff referred to Mr. Cliff's comments about constructing a cottage on his property and wanted to know why the cottage would be permitted when there are already flooding problems in the area. Mr. Gary Johnson, Director of Community Development, stated that he did not know any details about the site but would bring back a report if the Board so desired. Mr. Brown advised that the area was not identified as a flood plain, but it is a roadside related development that has occurred in recent years.

Commissioner Rackleff voiced concern that if this item were approved, the County would be paying for a project that normally the homeowners would pay for. He pointed out that the homes in Rainbow Acres, the one project that the County helped fund, have homes that are a lot less expensive than the ones in the Cloudland Drive area. He opined that there are a lot of other areas in the County that would benefit more from the \$288,000 and remarked that last year the project was estimated at \$100,000 and now it is estimated at \$288,000.

Commissioner Rackleff raised the question: Does the \$288,000 solve the County's part of the drainage problem only or does it make other improvements that are related but the County has not actually caused? Mr. Brown responded that it makes other improvements in the area; the drainage ditches on Arlington are insufficient and would be corrected – this would take care of problems that the County might be faced with.

The Chairman asked if it were accurate to say that the County built the 2/3 – 2/3 Ortega Drive and in doing that project, the County created stormwater runoff that now affects Cloudland Drive? Mr. Brown advised that this statement is arguable. Public Works Director Tony Park explained that the 2/3 – 2/3 project for Ortega Drive was basically a resurfacing project and no drainage improvements were made; there was no increase in imperviousness, it was natural drainage flowing to the low point of Ortega Drive and flowing the actual course out.

Chairman Grippa suggested that a priority list be made since there are other areas in the County that need assistance with flooding problems, ones that are more severe than this one.

Following some discussion, Commissioner Rackleff moved a substitute motion, seconded by Commissioner Sauls to continue this item until May 27 and that staff bring back more information including flooding and stormwater problems that the County has caused so that costs can be proportionately shared. Commissioner Winchester asked that when the information comes back on May 27th, that it contain similar information that was presented a year ago when the Board directed staff to put this item together. Chairman Grippa asked that staff also bring back a list of all the neighborhoods that qualify for the 2/3 – 2/3 projects that are dirt roads and that have flooding problems. He asked that Joe Brown contact him before bringing back the agenda item because there are 10 or 11 roads in his district where residents might be interested in paying for a 2/3 – 2/3rds project if the County would pay for stormwater/flooding improvements. flooding.

The substitute motion carried 5 – 2 (Commissioners Thael and Winchester voted in opposition).

The Board then entered discussion on Add-On Item.

Public Hearing

21. Joint/City County Commissions Adoption Hearing of Cycle 2003-1 Comprehensive Plan Amendments to the 2010 Tallahassee-Leon County Comprehensive Plan

Pursuant to the following advertisement, a joint City/County public hearing was conducted to consider adoption of the amendments that were previously transmitted to the Department of Community Affairs: All Board of County Commissioners were present. City Commissioners present were: Commissioners Marks (Mayor), Mustian, Katz, and Lightsey (City Commissioner Gillum was not present).

On January 23, 2003, the Tallahassee City Commission and the Leon County Board of County Commissioners, acting jointly, approved three map amendments and 14 text amendments to the Comprehensive Plan for transmittal to DCA. The DCA had issued no objections pertaining to these amendments.

Val Hubbard, Planning Department, explained that this item is a joint public hearing on the adoption of Cycle 2003-1 Amendments to the Comprehensive Plan as transmitted to the Florida Department of Community Affairs (FDCA) for review and found consistent with State regulations.

The County Commission voted 7-0 to adopt all of the amendments except Amendment 2003-1-T-006 (on a motion by County Commissioner Sauls,

seconded by County Commissioner Maloy). For the record, the County did not remove Amendment T-008 since it involves the City only.)

The City Commission voted 3-0 (City Commissioner Gillum absent) to adopt all of the amendments except Amendment 2003-1-T-006 and T-008 (City Commissioner Lightsey and City Commissioner Gillum absent) (on a motion by City Commissioner Katz, seconded by City Commissioner Mustian).

The following persons appeared before the Joint Commission relative to Amendment 2003-1-T-006:

Ms. June Vickers, Charter Oak Dellview Neighborhood Association, (opponent), stated that the neighborhood would not oppose offices in the area but would oppose other commercial uses. This sentiment was conveyed at the last focus group meeting. Ms. Vickers remarked that dumpsters should not be placed outside the subject properties since it would encroach on the neighborhood, that a chain link fence should not be considered a buffer, hours of operation should conform to the neighborhood, they do not want access to the residential block base street, they are opposed to signage on the residential streets, and lighting should only be on the first floor. The neighborhood would like input in the design phase/standard, which should conform to the neighborhood.

(City Commissioner Lightsey arrived at 6:10 p.m.)

Ms. Justine Saxon, 1154 Governor's Court Place, (proponent), stated that she was representing the residents of Governor's Court Place Subdivision, and stated that the amendment was overdue. She stated neighbors are struggling with a proposal for a three-story hotel on the boundary of her subdivision; the designation at the edge of the neighborhood is a neighborhood boundary that would not only take away the zoning that allows its defense, but it would give planning and growth management tighter guidelines on what is allowed before time, money and emotions are spent. Ms. Saxon urged the Board to approve the amendment and to add additional language so that a neighborhood can get a neighborhood boundary designation without going through a lot of red tape and spending a lot a money.

Mr. Ted Thomas, 1469 Vieux Carre Drive, (proponent), explained that he sat on the initial focus group that developed the Comp Plan amendment. He indicated that there is a need for this type of transition for neighborhoods that are changing. He stated that he would not rule out commercial development, such as retail stores and bed and breakfasts and asked the Board to approve the amendment.

County Commissioner Rackleff pointed out that he would oppose the amendment noting that the subtext of this discussion is that residential preservation areas need transition instead of preservation. He felt there was a lack of protection of neighborhoods, that government is continuing to empty out the downtown area and were losing population, that the proposed amendment makes it easier to further de-populate the central urban area, and makes it easier to change residential preservation areas into non-residential areas.

The County Commission voted 6-1 (County Commissioner Rackleff opposed) to adopt Amendment 2003-T-006 (on a motion by County Commissioner Sauls, seconded by County Commissioner Winchester).

City Commissioner Katz engaged in discussion with Planning staff about the effect it would have if the amendment allowed office only rather than office and commercial. Ms. Hubbard responded that it would take another Comp Plan amendment, which would take about one year. She explained that the language in the amendment states that the County/City would not implement this until the zoning districts are implemented and in place, and people are satisfied, so staff felt that the City/County had the control already in place.

Commissioner Katz moved a substitute motion to limit Amendment 2003-T-006 to allow Office only. There was no second to the motion and City Commissioner Katz withdrew the amendment.

Ms. Hubbard explained that the proposed amendment is sufficient in providing general guidance but noted that the LDRs (land development regulations) need additional work and Planning staff would be doing that. Ms. Hubbard stated that if she were given direction to concentrate on office LDRs by the City/County, staff would do so and not move the commercial forward. City Commissioner Lightsey voiced concern that they would see modified convenience stores with a lot of pavement and lighting cropping up which is what the neighborhood is concerned about. She stated that she does lean towards the substitute motion made by City Commissioner Katz limiting it to Office, but noted that it appears that the City/County will get another chance to address this issue in the LDRs (and possibly not move the commercial aspect forward). City Commissioner Lightsey recommended that staff proceed carefully with the LDRs and acknowledge that there is the possibility that the City Commission would not move forward with the Commercial until they have given the LDRs a year in place to see how it works out.

The City Commission voted 4-0 (City Commissioner Gillum absent) to adopt Amendment 2003-T-006 (on a motion by City Commissioner Mustian, seconded by City Commissioner Katz).

The County Commission voted 7-0 to adopt the remaining amendments recommended by staff for adoption and adopt the attached Leon County Ordinance Number 03-13 (on a motion by County Commissioner Winchester, seconded by County Commissioner Sauls).

The County adjourned the joint meeting at 6:35 p.m. The City Commissioner continued discussion, addressing Amendment 2003-1-T-008.

2003-1-T-008 (City Commission)

Ms. Hubbard explained that this amendment involves Capital Circle Northwest Long Term Concurrency Management Area. This is an issue where staff is attempting to get right of way dedicated for people who were exercising the ten-year concurrency option. She explained that there was a lot of problems with exercising that option, so staff went to an option that lowers the level of service

and the County would then delete vested trips to alleviate the concurrency issue on the side streets. The option for Capital Circle was lowering the level of service and there is a provision that states that once the road is funded, a Comp Plan amendment would be initiated to restore the level of service. This is the option that went to Department of Community Affairs (DCA) and the one the County adopted.

City Commissioner Katz asked staff to provide clarification of the issue. Mr. Mike Wright, Assistant City Manager, responded that the City is about to enter the right of way acquisition phase for Capital Circle Northwest. The Intergovernmental Agency (Blueprint 2000) has agreed to fund the right of way acquisition. Before the bids can be let to do the road construction, it would need to be funded one way or another; there is a 18-24 month window before the road needs to be funded; this is the time frame from a normal cash flow and development standpoint.

City Commissioner Lightsey stated that temporary lowering the level of service would allow some additional development to come forward but that is capped level of service D plus 10 percent, so it is limited by time and impact. From a practical prospective, Ms. Hubbard pointed out that this probably provides some concurrency relief ahead of time; what is really being done here is acknowledging that the funding cannot be identified until it has gone through the legislative process and that is why the City is moving this item forward. City Commissioner Katz remarked that a certain type of development would be allowed which would increase the amount of traffic for a certain period time and this is the trade off.

The City Commissioner voted 4-0 (City Commissioner Gillum absent) to adopt Amendment 2003-1-T-008 (on a motion by City Commissioner Katz, seconded by City Commissioner Mustian).

Assistant City Attorney Hurst read the title of City Ordinance No. 03-O-29, introduced April 23, 2003, which would adopt the Cycle 2003-1 Amendments as part of the Comprehensive Plan, and **the City Commission voted 4-0 (City Commissioner Gillum absent) to adopt City Ordinance No. 03-O-29 as presented.**

By these actions, the following amendments were adopted as part of the Comprehensive Plan:

<i>Cycle 2003-1 Amendments to the Tallahassee-Leon County Comprehensive Plan</i>		
<i>Amendment</i>	<i>Amendment To:</i>	<i>Nature of Proposed Amendment</i>
2003-1-M-001 (Leon County Educational Facility Authority/FSU—will request RM-1 zoning if approved)	FUTURE LAND USE MAP (north side of Honeysuckle Drive at its intersection with Ocala Road)	From: Residential Preservation To: Mixed Use C 2.72 Ac. As modified with note that PUD is required

Cycle 2003-1 Amendments to the Tallahassee-Leon County Comprehensive Plan		
<i>Amendment</i>	<i>Amendment To:</i>	<i>Nature of Proposed Amendment</i>
2003-1-M-003 (City of Tallahassee)	FUTURE LAND USE MAP (SW corner of West Pensacola Street and Dupree Street)	From: Government Operational To: Mixed Use B 3.6 Ac.
2003-1-M-004 (Leon County Board of County Commissioners)	FUTURE LAND USE MAP (Woodville)	From: Rural Community To: Woodville Rural Community 1,943± Ac.
2003-1-T-005 (Planning Dept)	Land Use Element	Designates Old Centerville road from Moccasin Gap Road to the FL-GA state line as a Canopy Road
2003-1-T-006 (Planning Commission)	Land Use Element	Proposes to create Neighborhood Edge future land use category – as modified (See Fifth Addendum to Planning Department Staff Analysis)
2003-1-T-007 (Planning Commission)	Land Use Element	Proposes to create Planned Development Overlay future land use category – as modified (See Second Addendum to Planning Department Staff Analysis)
2003-1-T-008 (Leon County Public Works Dept)	New Transportation Objective 2.4 and Policies, or Transportation Element Policy 1.4.1 and Capital Improvement Element Policy 1.1.3	Proposes to create a long-term transportation concurrency management system for the Western Strategy Area – as modified (See Seventh Addendum to Planning Department Staff Analysis)
2003-1-T-009 (Planning Dept)	Sanitary Sewer Sub-Element	Deletes City of Tallahassee Existing Wastewater System Map
2003-1-T-010 (Planning Dept)	Land Use Element	Deletes Policy 1.4.3, which provides that citizen task forces may be created
2003-1-T-011 (Planning Dept)	Solid Waste Sub-Element	Deletes Policy 1.3.2, which provides for disincentives to discourage littering
2003-1-T-012 (Planning Dept)	Solid Waste Element	Deletes Policy 1.1.8, which requires examination of feasibility of recruiting manufacturers that utilize recycled materials
2003-1-T-013 (Planning Dept)	Recreation Element	Deletes Policy 1.4.6, which provides that by 1993 the City shall evaluate the need for a supervised teen program
2003-1-T-014 (Planning Dept)	Recreation Element	Deletes Policy 1.4.3, which provides that the Downtown Improvement Authority shall by 1992 sponsor monthly cultural activities in the downtown

<i>Cycle 2003-1 Amendments to the Tallahassee-Leon County Comprehensive Plan</i>		
<i>Amendment</i>	<i>Amendment To:</i>	<i>Nature of Proposed Amendment</i>
2003-1-T-015 (Planning Dept)	Recreation Element	Modifies and updates the County Boat Landings/Park Map
2003-1-T-016 (Planning Dept)	Land Use Element	Modifies and corrects the Gaines Street Corridor Study Urban Infill and Redevelopment Area Map
2003-1-T-017 (Planning Dept)	Capital Improvements Element	Updates the Five-Year Capital Improvements Schedule
2003-1-T-018 (County Commission)	Land Use Element and Land Development Matrix	Modifies Policy 1.4.20 to allow community services operated by government to access local streets outside of the Urban Service Area

The City adjourned the meeting at 6:40 p.m.

The County recessed the meeting at 6:40 and reconvened at 6:55 p.m.

The Board resumed discussion of Item 19 (Inclusionary Housing).

Add-On Item: Travel Request for Commissioner Rackleff

Commissioner Rackleff moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to approve Option 1: Approve the travel request as requested (for Commissioner Rackleff to attend the Congress For New Urbanism (CNU) XI Annual Conference in Washington, D.C. and National Association of Counties Annual Conference in Milwaukee, Wisconsin.

Citizens to Be Heard on Non-Agendaed Items

- a. J. Terry Ryan, 2538 Stonegate, appeared and spoke on Item 10 (Consent) regarding the Bank of America Building. He explained that he was unaware that a citizen may request that a Commissioner to pull a Consent item to allow a citizen to speak.

Mr. Ryan stated that he was glad that the County as going through the RFP (Request For Process) process but he was concerned that there is not a request for a dollar amount, and remarked that there are approximately 10-15 items that are subjective and there is no indication of a percentage that the County would bid on. He stated that property management is usually based on a percentage, amount of lease/income and he felt that this opens the door to an actual or perceived bias. The Chairman asked if there was anything in the RFP that asks for price per

square foot under management. County Administrator Alam advised that there was not and suggested that Mr. Ryan made some good points.

Mr. Alam explained that normally when selecting consultants through an RFP process, staff does not ask for a price because they usually negotiate a price. He stated that he saw no reason why prices should not be listed on this item and asked Kim Dressel, Director of Management Services, to respond.

Mrs. Dressel explained that this was discussed when drafting the RFP and staff determined that they would find the highly qualified persons first and then work through the negotiation process. She pointed out that the County would not be leasing a lot of additional space, the property management would help the County move in, do space planning, develop policies and procedures and that sort of thing. Rather than focusing on costs, they focused on the qualification of the firms. Ms. Dressel pointed out that a lot of the budget portion would be pass through - the operating expenses and those sorts of things would pass through from the County - funding those accounts to pay for the costs at BOA. She explained that she talked with Clerk of the Circuit Court Inzer about the best way of setting up an account structure for BOA since the Clerk would be collecting leases. Ms. Dressel stated that Mr. Inzer recommended that a trust account be set up in the County's name to which the property manager would deposit lease payments; the County would then sweep the account, money would be kept in the account to maintain enough money to cover the normal operating expenses of the building for whatever time period that is negotiated. It would really be the County's budget with the exception of the management fee salary.

Chairman Grippa asked if the Board wanted to add price as criteria to the RFP and asked Mr. Ed Murray how he charged his clients for managing properties. Mr. Murray responded that under normal stable operating properties, he would charge a percentage of collections, a percentage for renewals, a percentage for new leases, and typically a construction management fee is built in.

Chairman Grippa opined that there needs to be some sort of monetary bid process so there is a competing of price.

Mr. Ryan also advised that the RFP had no real definition of what is going to take place in the BOA building such as renovation, etc., and suggested that the RFP include considerable more information and that a monetary amount be inserted.

Ms. Dressel stated that staff could insert anticipated rent roles and other items but pointed out that some items would still be left out. She pointed

out that historically it is costing approximately \$240,000 – \$250,000 per year for the contract to manage the building, which includes salaries of 4-6 employees, benefits to employees, and fee management.

County Administrator Alam recommended, even though it would take some time, that a good process to use would be to go with a RFP and pre-qualify the 4 – 5 firms that staff thinks can do the job, then subject those firms to a competitive dollar amount.

Commissioner Proctor talked about the method that would be used to pay for management. The Chairman requested that the County Administrator place on the next agenda the issue of how management of the Bank of America Building would be paid. This item should be under the Chairman and Commissioner Proctor.

Commissioner Sauls moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to reconsider Item 10.

Commissioner Proctor moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to approve the RFP with the changes as described, direct the County Administrator (staff) to put out an RFP similar to the one which is before the Board, make changes showing that this is not the sole and only RFP, ask for qualifications to manage the building; from that the firms would be selected, then there would be a subsequent pricing once they go through the first RFP. Mr. Alam clarified that the motion includes that staff would make appropriate changes and send the RFP out, and then they would select 4 – 5 firms that qualify; it would be brought back to the Board and they would bid on a price.

It was noted that Facilities Management (Kim Dressel and Tom Brantley) would manage the BOA Building until the closing.

County Attorney

- a. Noted that the land development regulations in Bradfordville would be coming to the Board in the middle of June 2003.
- b. Advised that Harvey Harper would be done with the Lauder property issues in June 2003.

County Administrator

- a. Circulated written response as requested from the Board on April 29, 2003 from Mr. Terri Ryan's concerns involving the Bank of America Building purchase. The Chairman asked that Commissioner Proctor's concerns regarding financing property management of BOA building be

incorporated into this issue and in the near future be placed on the agenda.

- c. Thanked the Board for granting his sabbatical in May.

Discussion Items By Commissioners

The Board members welcomed County Administrator Alam back from his sabbatical.

Commissioner Winchester

Noted the information that the County Administrator circulated regarding Mr. Terri Ryan's concerns involving the BOA building. Commissioner Winchester stated that he had met with Mr. Ryan and others; he would read the document and then speak to the County Administrator on this item.

Commissioner Sauls

Requested adoption of a resolution for Small Business Week. Commissioner Sauls will be presenting the resolution at the FAMU Business Luncheon on Thursday. The Board concurred.

Commissioner Rackleff

- a. Reported that the committee consisting of Commissioners Rackleff, Maloy, and Thael met this afternoon to go over the information they had about the Weems/Easterwood Property. They decided that they needed additional information and would be addressing it later. Commissioner Rackleff stated that there was sentiment to wait for the Lake Lafayette study results to come back and to determine what types of projects should be avoided for the subject property.
- b. Advise that he received a complaint from a constituent about intrusive lighting and remarked that over the years he has heard similar complaints. Commissioner Rackleff specifically referred to a complaint from a resident that lives on Mahan Drive. A neighbor has lighting that is very bright, intrusive and disturbs the neighbor's sleep. It was noted that when the nuisance lighting issue came up before, there was an enforcement problem, which is why it was not adopted. The Chairman suggested that Commissioner Rackleff meet with the County Attorney and the Community Development Director on this item and if it cannot be resolved then the item should come back to the Board for consideration.

Commissioner Proctor

- a. Asked staff to look into a policy that prohibits pit bulls from County parks, even if they are leashed. Commissioner Proctor cited an incident when he went to Myers Park with his children and had to leave out of fear of the pit

bulls. The Board indicated that County recreational parks have a "No Pets Allowed" rule, but certain types of parks such as Miccosukee Greenway and Alford Arm allow dogs to be walked with a leash. Commissioner Thael asked that staff identify the type of parks that allow dogs to be walked.

Commissioner Proctor

- a. Referred to agenda item #9 regarding the EEO Report and stated that the African/American presence in the Leon County job market was behind the white presence in the job market. Commissioner Proctor noted that the report showed that the number of black persons being terminated was a higher percentage than white persons. Commissioner Proctor also remarked that the Public Safety Coordinating Council shows that the County Jail has 74.7 % African-Americans incarcerated. He also pointed out that home mortgages to African-Americans in Leon County was at a very low percentage.

Commissioner Thael

Circulated an article in the Tallahassee Democrat regarding the "City seeks ideas for power line's path."

Chairman Grippa

- a. Noted the upcoming Legislative Special Session on the budget and urged Commissioners to contact the County's lobbyist and hold them accountable and, hopefully, the County will receive a million dollars.
- b. Requested a status report and time line on the "Bruce Host" Greeting Center.
- c. Requested that staff provide a comparison (medium, average, etc.) of affordable housing available in other counties, using the six counties that are normally used as comparison. Chairman Grippa referred to the "Parade of Homes" and remarked about the huge spike in housing prices, particularly in the northeast section. He wanted to ensure that the high pricing was not because of the County's growth regulations.
- d. Engaged in discussion regarding the restoration of Commissioner Maloy's aide and stated that Commissioner Maloy had been adjudicated innocent by an Administrative Hearing Judge, although the Ethics Commission has not yet ruled. Chairman Grippa requested that staff place on the agenda, discussion of the restoration of Commissioner Maloy's Aide per the Board's policy after the Ethics Commission rules.
- e. Chairman Grippa announced that he and his wife are expecting their second child. He also announced that he would not be running for a seat in Congress, but would seek re-election on the Board of County

Commission. He explained that his decision was based on his family being the highest priority, that he did not want to travel and leave his family and he enjoyed living in Tallahassee.

- f. Reported that Jacksonville now broadcasts the Leon County Commission Meetings. Commissioner Thaelle gave a brief report on the local election in Jacksonville, Florida.

Commissioner Maloy

- a. Reminded the Board about the Urban League Dinner for Friday Night and that the County purchased a table. Commissioner Proctor will provide the tickets.
- b. Commissioner Maloy advised that the Ethics Commission would not rule until July 24th and the Board of County Commissioners is not scheduled to meet after that date until the last of August. Chairman Grippa opined that the Board should not take action regarding the restoration of Commissioner Maloy's aide until after the Ethics Commission adjudicates.

Commissioner Thaelle remarked on the fairness of the issue regarding a colleague and having to wait so long a time before the Board takes action. It was noted that the Ethics Commission usually rules the same as the Administrative Hearing Judge.

Commissioner Thaelle moved and was duly seconded by Commissioner Proctor to place on the agenda the issue of restoring Commissioner Maloy's supervisory role of hiring and firing his aide.

Commissioner Maloy stated that after reviewing the minutes, he noted that the Board previously voted on the policy, which was agendaed but noted that "giving the authority to the Chairman to hire and fire Commissioner Maloy's aide" was not agendaed", although it was voted on. The Chairman requested that the County Attorney check the records. Commissioner Proctor engaged in discussion regarding the process. Chairman Grippa asked the County Attorney if the Board agendaed the item about "giving this Board authority to deal with the personnel issues" and County Attorney Thiele responded in the affirmative.

The County Attorney opined that Commissioner Maloy would not have to recuse himself from voting on the motion on the floor since it is simply to agenda the item.

The motion on the floor failed 3 – 4 (Commissioners Grippa, Sauls, Rackleff, and Winchester voted in opposition to the motion).

There being no further business to come before the Board, Commissioner Rackleff moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to adjourn the meeting at 8:30 p.m.

APPROVED: _____
Tony Grippa
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court